HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.26607 of 2005

04-04-2006

Between:

Joseph Sriharsha & Mary Indraja Educational Society,
Plot No.102, High Court colony,
Vanasthalipuram, Hyderabad,
Rep. by its Secretary-cum-Correspondent,
Rev. K.V.K.Rao.

… Petitioner

and

The Government of Andhra Pradesh
Rep. by its Prl. Secretary,
School Education Department,
Secretariat, Hyderabad and others.

… Respondents

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W.P.No.26607 of 2005

ORDER:

The petitioner, who is an applicant seeking grant of permission to start a B.Ed. college, has filed this writ petition challenging the notification dated 12-06-2004 by which the earlier notification inviting the application for grant of no objection was cancelled. Initially by notification dated 01-12-2003 issued in Rc.No.2490/H.2-2/2003, the Commissioner and Director of School Education invited the applications from private educational societies registered under the Societies Registration Act for the year 2004-2005 for opening of new B.Ed. colleges in certain places in the State of Andhra Pradesh. Further, on the ground that the need for more B.Ed. colleges shall be reviewed in comprehensive manner, the Government have cancelled the earlier notification by the impugned notification dated 01-12-2003 in Memo No.1675/Trg-1/2004 dated 12-06-2004.

As per the relevant Regulations framed under National Council for Teacher Education Act, 1993 which existed at that point of time, there was need for obtaining 'no objection certificate' before making an application to the competent authority under National

Council for Teacher Education Act. However, when the matters were pending, the Regulations were amended with effect from 27-12-2005, which were published in the Gazette on

13-01-2006. As per the amended Regulations, no such

'no objection certificate' is required to be enclosed along with the application to the competent authority under the National Council for Teacher Education Act. As per the amended Regulations, the procedure is that the application can be straightaway made to the Council constituted under the NCTE Act. In view of the amended Regulations under NCTE Act, there is no need to adjudicate the validity of the impugned proceedings, which is only confined to cancellation of notification for grant of 'no objection certificate' alone. However, this Court has ordered to treat the application of the petitioner as if the same is made before 31-12-2005, and it is stated that steps have been taken by the competent authority.

Having regard to the facts and circumstances, I dispose of the writ petition directing the competent authority under NCTE Act to consider the application of the petitioner treating it as an application made within the specified time for grant of permission to establish B.Ed. college subject to compliance of all other requirements as per the Regulations in force and the provisions of NCTE Act.

Subject to above, the writ petition is disposed of. No order as to costs.

04-04-2006

bsc